

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No: 4:05CR57 HEA
	)	
TONYA JOHNSON HYLES,	)	
	)	
Defendant.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Defendant's *pro se* motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), [Doc. No. 176]. Defendant filed her motion on August 3, 2020. On August 5, 2020 the Office of the Federal Public Defender entered an appearance on behalf of the Defendant. On September 3, 2020, counsel for Defendant filed a motion to withdraw. The Court granted counsel's motion to withdraw. The government did not file a response to Defendant's motion.

**BACKGROUND**

On October 13, 2006, Defendant was found guilty by a jury of conspiracy to commit murder for hire, aiding and abetting murder for hire, possession of a firearm in furtherance of a crime of violence, and conspiracy for felon to possess a firearm. Defendant's convictions were affirmed by the Eighth Circuit Court of

Appeals.

Defendant is 45 years old and currently housed at Federal Medical Center, Carswell, Fort Worth, Texas.

### **DISCUSSION**

The threshold question here is whether this Court has authority to review Defendant's request. The First Step Act requires Defendant to petition the Bureau of Prisons for release before she can petition the court directly. 18 U.S.C. § 3582(c)(1)(A)(i). Defendant bears the burden of showing that she exhausted her administrative remedies with the Bureau of Prisons before filing a compassionate-release motion. *United States v. Kinley*, No. 1:16-CR-10018-003, 2020 WL 2744115, at \*2 (W.D. Ark. Apr. 17, 2020).

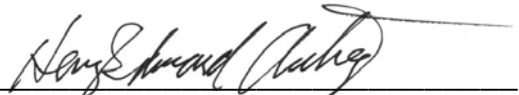
Here, Defendant has not met this burden. She has not provided any evidence or assertions that she petitioned the BOP or warden of FMC Carswell before petitioning the Court. Therefore, this Court finds that Defendant did not exhaust her administrative remedies as required under 18 U.S.C. § 3582(c)(1)(A)(i); thus, the Court is without authority to act on Defendant's motion at this time.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's motion for compassionate

release [Doc. No. 176], is **denied** without prejudice.

Dated this 29<sup>th</sup> day of December, 2020.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE